IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.2631 OF 2004

Anil Laxmanrao Alkunthe
and ors. ..Petitioners

Vs.

Amarnath Laxmanrao
Alkunthe & Ors. ..Respondents

...

Mr.Pankaj J.Das Advocate for Petitioners
Mr.Surel S.Shah for Respondent no.1.
Mr.D.A.Adsule, A.P.P. for the State

...

CORAM: SMT.V.K.TAHILRAMANI,J.

DATE : JUNE 27,2005

P.C.

1. Heard the learned advocate for the petitioners and the learned A.P.P. for the State.

2. The petitioners are seeking quashing of proceedings relating to Regular Criminal Case No. 721 of 2003 which is pending before the learned Judicial Magistrate Solapur. In the said case, the

process has been issued against the petitioners under Sections 420, 468 r.w. 34 of IPC. If the process issued against the petitioners is set aside, the proceedings in respect of the petitioners would come to an end. The learned advocate for the petitioners submitted that the learned Magistrate committed an error in issuing process and the said process deserves to be set aside.

3. For the reasons recorded in my order dated 13th June, 2005 in W.P.No. 213 of 2005 and dated 21st June, 2005 in Cri.Application No.550 of 2005, in my view, it is clear that the petitioners have an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the petitioners prefer a revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the petitioners to prefer the necessary revision before the concerned Sessions Court. Stay to the proceedings before the

trial Court is granted for a period of four weeks from today.

5. On the necessary revision being preferred by the petitioners before the concerned Sessions Court, the concerned Sessions Court shall dispose of the matter on merits after hearing the necessary parties. All contentions of the parties are left open.

6. Writ petition is disposed of.

[V.K.TAHILRAMANI,J.]